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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 18, 2003

Mr. Roy Schepens  
Office of River Protection  
United States Department of Energy  
P.O. Box 560, MSIN: H6-60  
Richland, Washington 99352

RECEIVED  
APR 16 2003  
EDMC

Dear Mr. Schepens:

Re: Denial of Hanford Federal Facility Agreement and Consent Order (HFFACO)  
Change Request M-92-03-01 Requesting Deletion of HFFACO Milestone M-92-05;  
Inclusion of Hanford Site Cs/Sr, "Treatment and/or Repackaging Parameters" in the  
United States Department of Energy (USDOE), Office of River Protection (ORP)  
Tank Waste Remediation System Phase II Request for Proposals (Treatment and/or  
Repackaging of all Remaining Cs/Sr), and Submission of HFFACO Change Request  
M-92-03-02 Providing an Alternative

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The Washington State Department of Ecology (Ecology) is in receipt of your referenced, signed Change Package requesting deletion of HFFACO Milestone M-92-05. The Change Package (M-92-03-01) proposed the deletion of M-92-05 based on its inconsistency with ORP current plans. The milestone was originally created to ensure that USDOE acquire the capability to vitrify the Cs/Sr capsules by 2028. The HFFACO currently requires that the Phase II Waste Treatment and Immobilization Plant (WTP) incorporate the ability to vitrify these capsules.

In your letter, you offer two reasons for USDOE's request to delete M-92-05. First, you state that due to USDOE's proposed acceleration of retrieval, treatment, and disposition of Hanford tank wastes, a Phase II waste treatment facility will not be necessary. Therefore, your letter states that there will be no Phase II facility request for proposal, as identified in the milestone.

Secondly, your letter and accompanying proposed Change Package reference discussions in our Clean up, Constraints, and Challenges Team (C3T), and indicates that USDOE hopes to be able to send the capsules directly to the Yucca Mountain High-level Waste Repository without vitrification. In your letter, you state that the M-92-05 Milestone is inconsistent with ORP's planned path forward.

Ecology is disapproving USDOE's Change Request M-92-03-01. While Ecology supports efforts to explore less costly, but protective, alternatives for final disposition of the capsules,

Mr. Roy Schepens

March 18, 2003

Page 2

USDOE has thus far conducted only limited analysis of the Yucca Mountain direct-disposal concept. USDOE has no assurance at this time that it will be able to dispose of the capsules at Yucca Mountain without vitrification. Ecology's interest is to ensure that USDOE has defined, and is implementing, a plan for timely and protective disposition of the capsules. Absent the development of a viable and superior alternative, Ecology will require that the capsules be vitrified along with the rest of the high level tank waste by 2028, as currently required by the HFFACO. Therefore, deleting this milestone with no further commitments is wholly unacceptable to Ecology. In an effort to give USDOE time to explore direct disposal of the capsules while not jeopardizing the ability to have them vitrified by 2028, Ecology is proposing the enclosed signed Change Package M-92-03-02 as an alternative.

If you have any questions regarding this letter or the enclosed Change Package, please feel free to contact Laura J. Cusack at (509) 736-3038.

Sincerely,



Michael A. Wilson

Manager

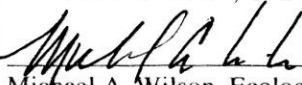
Nuclear Waste Program

LJC:sdb

Enclosure: Change Package M-92-03-02

cc: D. Bartus, EPA  
N. Ceto, EPA  
J. Hebdon, USDOE  
K. Klein, USDOE  
F. Beranek, BNI  
B. Erlandson, BNI  
E. Aromi, CHG  
C. Kemp, CHG  
J. Luke, CHG  
L. Penn, CHG  
K. Tollefson, CHG  
J. Bates, FHI

J. Hertz, FHI  
R. Morrison, FHI  
T. Martin, HAB  
J. Hanson, INNOV  
R. Gay, CTUIR  
P. Sobotta, NPT  
R. Jim, YN  
A. Conklin, WDOH  
K. Niles, OOE  
Environmental Portal, LMSI  
Admin. Record: HFFACO Milestone M-92-05

<b>Change Number</b>	<b>Federal Facility Agreement and Consent Order Change Control Form</b>		<b>Date:</b>
M-92-03-02	Do not use blue ink. Type or print using black ink.		March 18, 2003
<b>Originator:</b> Washington State Department of Ecology		<b>Phone:</b> (509) 736-3038	
<b>Class of Change:</b>			
<input type="checkbox"/> I - Signatories		<input checked="" type="checkbox"/> II - Executive Manager	<input type="checkbox"/> III - Project Manager
<b>Change Title:</b>			
Modify the Hanford Federal Facility Agreement and Consent Order (HFFACO) Interim Milestone M-92-05, Inclusion of Hanford Site Cs/Sr "Treatment and/or Repackaging Parameters" in DOE TWRS Phase II Request for Proposals (Treatment and/or Repackaging of all remaining Cs/Sr).			
<b>Description/Justification of Change:</b>			
M-92-05 was originally established to ensure the capability to vitrify 1,929 Cs/Sr capsules through the Phase II Waste Treatment Plant (WTP). Recently, through Clean up, Constraints and Challenges (C3T) workshops, DOE proposed that the capsules be sent to the Yucca Mountain high-level waste repository without being vitrified. Under this approach, the capsules would be re-packaged in a form acceptable for disposal at Yucca Mountain. DOE believes that this approach may save millions of dollars in treatment costs. Considering the potential cost savings from not vitrifying the capsules, Ecology is willing to allow DOE additional time to determine if there is indeed a viable path to direct disposal of the capsules. Therefore, the milestone is being modified to give DOE 4 additional years to develop a viable alternative option or return to a path to vitrify the capsules by 2028.			
<b>Modifications to the M-92-05 milestone incorporated into the HFFACO by approval of this M-92-03-01 Change Request are shown here as either shaded additions, or strikethrough deletions.</b>			
<b>MS Number</b>	<b>Milestone Description</b>	<b>Due Date</b>	
M-92-05	<p>INCLUSION OF HANFORD SITE Cs/Sr "TREATMENT AND/OR REPACKAGING PARAMETERS" IN DOE TWRS PHASE II REQUEST FOR PROPOSALS (TREATMENT AND/OR REPACKAGING OF ALL REMAINING Cs/Sr)</p> <p>DOE WILL ASSESS THE VIABILITY OF DIRECTLY DISPOSING OF HANFORD CS/SR CAPSULES AT THE NATIONAL HIGH-LEVEL WASTE REPOSITORY BASED ON THIS ASSESSMENT, IF DOE CONCLUDES THAT DIRECT DISPOSAL IS A VIABLE AND PREFERRED ALTERNATIVE TO VITRIFICATION, DOE WILL SUBMIT TO ECOLOGY SPECIFIC DOCUMENTATION JUSTIFYING ITS CONCLUSION, WITH A PROPOSED MILESTONE CHANGE REQUEST ESTABLISHING ENFORCEABLE AGREEMENT MILESTONES FOR DISPOSITIONING HANFORD CS/SR CAPSULES BY 2028.</p>	June 30, 2003 <del>7</del>	
<b>Impact of Change:</b>			
Delay contracts and requirements required to vitrify Cs/Sr capsules. This change package allows DOE and additional 4 years to determine if alternatives to vitrification of the capsules are viable.			
<b>Affected Documents:</b>			
The Hanford Federal Facility Agreement and Consent Order, as amended, and Hanford Site internal planning management, and budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents; Multi-Year Work Plan; Sitewide Systems Engineering Control Documents; Project Management Plans, and, if appropriate, LDR Report requirements).			
<b>Approvals:</b>			
James E. Rasmussen, ORP		Date	____ Approved    ____ Disapproved
		3/18/03	<input checked="" type="checkbox"/> Approved    ____ Disapproved
Michael A. Wilson, Ecology		Date	____ Approved    ____ Disapproved
_____		Date	____ Approved    ____ Disapproved